

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION**

**IN THE MATTER OF THE APPLICATION
OF THE NEW MEXICO OIL CONSERVATION DIVISION
THROUGH THE ENFORCEMENT AND COMPLIANCE
MANAGER, FOR A COMPLIANCE ORDER AGAINST
MARKS AND GARNER PRODUCTION LTD. CO.**

CASE NO. 14041

(de novo)

2009 OCT - 9 09

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PRE-HEARING STATEMENT

This Pre-hearing Statement is submitted by MARKS AND GARNER PRODUCTION LTD. CO., by and through its undersigned counsel, Ernest L. Padilla, Padilla Law Firm, P.A. as required by the Oil Conservation Commission.

APPEARANCES OF PARTIES

ATTORNEY

APPLICANT:

OIL CONSERVATION DIVISION

Mikal M. Altomare, Esq.
Oil Conservation Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
(505) 476-3451
FAX: 476-3480

OPPOSITON OR OTHER PARTY:

MARKS AND GARNER PRODUCTION LTD. CO.

Ernest L. Padilla
Padilla Law Firm, P.A.
Post Office Box 2523
Santa Fe, New Mexico 87504
(505) 988-7577
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STATEMENT OF CASE

APPLICANT:

OPPOSITION OR OTHER PARTY:

Marks and Garner Production Ltd. Co. will present testimony that the affected oil and gas wells are in compliance, will be brought into compliance, or that it is no longer the owner and operator of some of the wells for which the hearing has been called.

PROPOSED EVIDENCE

APPLICANT

WITNESSES

EST. TIME

EXHIBITS

Unknown

OPPOSITION

Quinton Welborn

30 min.

(1)

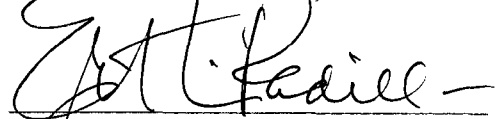
May offer a Spreadsheet showing status of affected wells, but will principally rely on OCD exhibits.

PROCEDURAL MATTERS

(Please identify any procedural matters which need to be resolved prior to hearing.)

None

PADILLA LAW FIRM, P.A.



ERNEST L. PADILLA

P.O. Box 2523

Santa Fe, New Mexico 87504-2523


(505) 988-7577

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of this Pre-Hearing Statement to be served
upon

Mikal M. Atomare, Esq.
Oil Conservation Division
1220 S. St. Francis Dr.
Santa Fe, New Mexico 87505

and by e-mail transmission this 30th day of September, 2009.



ERNEST L. PADILLA